

Amendment No. 4 to HB1055

**Floyd
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1199

House Bill No. 1055*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 40-32-101, is amended by adding the following language as a new, appropriately designated subsection:

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(1) All public records of a person who has been arrested or charged within this state for committing a misdemeanor offense while engaged in protesting or challenging the legalization or performance of abortion procedures shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person, if:

(A) The charge has been dismissed;

(B) A no true bill was returned by a grand jury;

(C) A verdict of not guilty was returned, whether by the judge following a bench trial or by a jury;

(D) The person was arrested and released, without being charged; or

(E)

(i) Ten (10) years or more have elapsed since the date of conviction for the misdemeanor offense being expunged and the petitioner has not been convicted of any other offense, excluding minor traffic violations, during such period of time; and

(ii) The district attorney general is served a copy of the petition for expungement by certified mail, return receipt requested, and such district attorney general does not file an objection with the court within twenty (20) calendar days of receipt of such petition.

(2) All public records of a person required to post bond under the provisions of §38-3-109 shall be removed and destroyed as required by this subsection upon the expiration of any bond required, if no surety on the bond is required to fulfill the obligations of the bond.

(3) Upon petition by a defendant in the court that entered a nolle prosequi in the defendant's case, the court shall order all public records expunged.

(4) For purposes of this subsection, "court" also includes any court exercising juvenile jurisdiction.

(5) If the person arrested is deceased, then the petition may be filed by a person who is able to establish legal authority to act on the behalf of such deceased person.